

Developer's Appraisal shall be averaged and the averaged value shall be binding on all parties. If the difference between the values is greater than 10%, the appraisers preparing the first two appraisals shall, within 15 days, select a third appraiser who shall prepare a third appraisal within 45 days after selection (the "Third Appraisal"). The value set forth in the Third Appraisal shall be binding on all parties and shall be the purchase price for the purchase of additional lands reserved for purchase.

4. Applicability of City Design Standards.

a. Except to the extent specified below, the portions of the Burlington Properties designated on the 1993 Plan as "Residential Areas" shall be developed in accordance with all applicable then current city design standards. The following design standard modifications shall apply to said "Residential Areas" in lieu of applicable then current city design standards:

i. Roadways

(x) Cross Sections:

Residential Streets (except cul-de-sac's): 31 foot back to back

Cul-de-sac's: 27 foot back to back

(y) Curb Standards:

Residential Streets (including cul-de-sacs) shall be designed with roll curb utilizing the same detail as that used in the portions of the Region known as Oakhurst and Stonebridge.

(z) Pavement Thickness:

The applicable city design standards shall be utilized with Lime Stabilization of the sub-base allowed instead of Geo-textile fabric.

ii. Stormwater Management Requirements:

Storm water retention and detention facilities shall be constructed in accordance with the requirements specified in Section V of Part One of this Modification.

iii. Residential Inspection of Public Improvements:

Developer will provide residential inspection in accordance with the provisions of the Plan Description in the same manner as has been provided in the portions of the Region known as Oakhurst and Stonebridge.

b. No oversize off-premises commercial signs under City Code Section 12-17 (1901.4) shall be permitted within those portions of the Region to which this Modification applies.

Plan Description Modification

Part One

Section V

General Provisions

1. Storm Water Retention and Detention Requirements.

a. Storm water retention and detention facilities within all portions of the Burlington Properties shall be constructed in accordance with the following requirements. The amount of storm water retention to be provided shall be computed by using the Soil Conservation Service TR-20 method and a weighted runoff curve number established for the combined effects of Hydrologic Soil Group B and surface cover. Facilities shall be of adequate size to accommodate runoff from rainfall intensities of 100 year frequency using either a SCS Type II or Huff Distribution. The impoundment level corresponding to these rainfall intensities will be the basis of design for the outlet facility to have discharge capacity equivalent to 0.15 cubic feet per second ("cfs") per acre. In addition to providing the impoundment level calculated above, at least 24 inches of freeboard will be provided to accommodate the additional storage required by using the rainfall intensities set forth in Illinois State Water Survey Bulletin 70. Storm sewers shall be designed using a 5 year storm event.

b. The criteria and standards set forth in Subparagraph (a) above are intended to supersede and modify

all City ordinances and regulations which are contrary to or inconsistent with the matters set forth in the foregoing paragraph. The criteria and standards are intended to supersede and replace all provisions in the Principal Agreement, Plan Description and that certain letter agreement between Developer and the City dated July 31, 1984 (the "1984 Agreement") which cover or address the matter of storm water retention with respect to the Burlington Properties.

c. Storm water retention and detention facilities within the portions of the Region designated on the 1993 Plan as "Business Areas" to which this Modification applies shall be constructed in accordance with the provisions of the Plan Description as modified and supplemented by the 1984 Agreement.

2. Any change in the above described storm water retention and detention requirements described in Paragraph 1 above which receives the approval of the City Engineer shall be deemed a reasonable variation for the purpose of clause (a) of Subsection 14.7-6 of the Zoning Ordinance.

3. Time Limitations for Submission of Preliminary and Final Plans.

Preliminary Plans shall be submitted for approval prior to December 7, 2000. Final Plans for all portions of the Region shall be submitted for approval prior to December 7, 2003.

4. Execution by City and Developer.

This Modification shall be made a part of the Agreement, which restates and amends the Principal Agreement.

5. Changes in Plan Description.

After this Modification is approved by the City Council, in accordance with Section V, Subsection N of the Plan Description, ten (10) complete copies of this Modification plus all accompanying materials and data shall be deposited with the Division of City Planning.

6. Developer.

As used in this Modification and in the Plan Description the terms "Developer" and "Developers" of the Region shall mean Aurora Venture. The Developer shall have the right to assign some or all of its rights, subject to some or all of the duties and obligations, which the Developer may have under the Modification. The Developer, or its assignee, shall have the right to appoint an agent or representative to act for it with respect to the Modification.

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R E C O M M E N D A T I O N

TO: THE COMMITTEE OF THE WHOLE

FROM: THE PLANNING AND DEVELOPMENT COMMITTEE

The Planning and Development Committee at the meeting of Monday, November 22, 1993 Recommended Approval of the Resolution Approving a Plan Description Modification for Certain Portions of Fox Valley East Region II as amended.

The vote: 3 - 0

Submitted by


Alderman Jim Meisch, Chairman


Alderman Mike Saville


Alderman Judy Morrison

Alderman Bob Fleege , Alternate

Dated this 23rd day of November 1993.

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ZONING ORDINANCE

000070

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